

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	1:17CR460-1
	:	
PAULA KAY BULLOCK	:	

GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO COMPEL DISCOVERY

Now comes the United States of America, by and through Matthew G.T. Martin, United States Attorney for the Middle District of North Carolina and responds to Defendant Paula Kay Bullock's Motion to Compel Discovery and Return of Items Seized filed on July 18, 2018 as follows:

The authorities governing a defendant's rights to obtain information in the government's custody and control in criminal cases and the government's obligations and reciprocal rights are contained in Rule 16 and Rule 26.2 of the Federal Rules of Criminal Procedure; Title 18, United States Code, Section 3500 (Jencks Act); and the doctrine of Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963).

The government has and will comply in all respects with these rules in providing discovery and inspection of evidence within its possession relevant to the prosecution and defense of this case.

The government has provided Defendant Bullock with extensive discovery both electronically and by providing access to materials in the office of the United States Attorney's office for the Middle District of North Carolina. Counsel for Bullock has examined the files in this matter on at least three occasions. These documents, plus materials provided as part of the continuing obligation to discovery, have also been provided electronically through the USAfx system. The government has allowed counsel for Bullock to examine the grand jury transcripts of fact witnesses who testified as part of the grand jury investigation of this matter in the United States Attorney's office for the Middle District of North Carolina.

The government has also provided Bullock, through counsel, with copies of the forensic images of computers seized by the Durham Police Department during a search of Bullock's former business, Affordable Animal Clinic ("AAC"), in Durham, North Carolina. Copies of all objects or documents seized during the search of AAC by the Durham Police have been provided to Bullock through counsel for examination in the office of the United States Attorney for the Middle District of North Carolina and have also been uploaded into the USAfx system. In addition, the government has offered to facilitate examination of the evidence in possession of the Durham Police, as of the date of this filing, defendant has no taken advantage of this offer.

Electronic evidence from computers seized from the office of AAC have been provided to the defendant through counsel, including forensic images of hard-drives of seized computers and data from a personal laptop computer and cell phone.

The government responds to Bullock's particular demands as follows:

1. Controlled Substance Logs

Bullock claims that controlled substance logs for herself and AAC were seized by the Durham Police in May of 2017 and requests that they be produced in discovery¹. As noted above, all copies of all documents or objects seized in the Durham Police search of AAC have been provided to Bullock in discovery. Further, copies of the forensic images of the seized computers have been provided to Bullock.

Durham officers did not seize any paper copies of controlled substance logs. At the time of the May 2017 search of AAC, Durham police were investigating allegations of credit card fraud and identity theft in regard to Bullock and AAC. The officers were not investigating allegations of prescription fraud.

¹ Defendant requests controlled substance logs from a "May 2018" search from AAC. The only search of AAC was executed in May 2017. The government believes that defendant's request for documents from the May 2018 search is a typographical error.

2. Law Enforcement Files

Bullock requests that she be provided with the "law enforcement" files in this case. The government has provided Bullock with all discoverable materials in its files.

Through the USAfx system and by direct examination, Bullock has been provided memoranda of interviews with attached documents from the Durham Police Department, United States Postal Inspection Service, and the United States Department of Treasury. Bullock has also been provided with the current copy of the United States Department of Treasury investigative case summary, with attachments, which summarizes the course and substance of the entire investigation. Bullock has also been provided with all reports and memorandum of Durham Police Detective Hall as to the investigation of Bullock.

Bullock's claim that she, through counsel, has been provided with "portions" of materials is without basis. All such documents have also been uploaded to the USAfx system, which has allowed Bullock the opportunity to download the documents, or have been provided on computer hard-drive, disc, or flash-drive.

3. Documents Related to Patsy Wiggins

Bullock requests that “records taken during her interview with Detective Hall in June 2018” be produced. All such records have already been produced in discovery.

4. Records of Costco, Target and other pharmacies.

All records obtained from pharmacies during the investigation have been produced in discovery. No documents were obtained for Target.

Forensic Images

Copies of all forensic images of the hard-drives of computers seized from the offices of AAC have been provided to Bullock. Files downloaded from a tablet and a cell phone have also been provided to Bullock.²

5. Motion for Return of Computers

In June of 2018, federal agents discovered that Bullock had sold AAC. Agents determined that Bullock sold AAC to a veterinarian whose initials are B.W. in April 2018, for the purchase price of \$575,000.00. The purchase of AAC by B.W. included all clinical, lab, and office equipment not specifically excluded. B.W. believes that the computers seized by the Durham Police were included in her purchase of AAC.

Without citing any legal authority, Bullock requests that the Court compel the government to return the computers to Bullock directly instead of to B.W. Bullock incorrectly states that no “other individual” has made a claim of ownership and that the government has “no evidence” that any dispute over the ownership of the computers exists.

² Bullock’s counsel was informed by federal prosecutors and agents on July 9, 2018 that the United States Postal Inspection Service was in the process of forensically examining the seized computers and that copies of the resulting forensic images would be provided to Bullock. Counsel for Bullock was not told that the examination was complete at that time. Upon completion of the examination on July 25, 2018, hard drives containing copies of the forensic images of the computer's hard drives were delivered to the office of Bullock's counsel.

As noted above, a dispute does exist over ownership of the computers. This is a civil dispute to which the government is not a party. Pending any court resolution of this issue, the computers will be returned to the custody of the Durham Police Department. Of course, as noted above, copies of the forensic images of the computers have been provided to the defendant. Further, the government intends to coordinate with the Durham Police Department and the state of North Carolina to return a personal laptop and cell phone belonging to the defendant to her counsel.

This the 25th day of July, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2018, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Paul Moore Dubbeling, Esq.

Respectfully submitted,

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